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4th Session, 3d Parliament, 14 & 15 Vict., 1851.

BILL.

An Act to incorporate the Pilots for and
below the Harbor of Quebec.

Received and read a first time, Monday, 16th
June, 1851.

Second reading, Monday, 23rd June, 1851.

Mr. TACHÉ.

B I L L .

An Act to incorporate the Pilots for and below the Harbor of Quebec.

WHEREAS it is expedient to incorporate the Pilots Preamble.
for and below the Harbor of Quebec, for the
advantage of the Trade and the improvement of their
material condition; Be it therefore enacted, &c.

5 That the licensed Pilots for and below the Harbor of Pilots for and
below the
Harbor of
Quebec,
incorporated.
Quebec shall be a body politic for the purposes of this
Act by the name of "*The Pilots of Quebec.*" They shall
have perpetual succession and a Common Seal with
power to modify or renew the same at pleasure; they and
10 their successors shall be capable of suing and being sued
in all Courts of Record or before all judiciary tribunals
in this Province, in the same manner as all other Cor-
porations, or as any person by law capable of so doing;
they may also possess a building for the purpose of hold-
15 ing therein the office of the Board of Directors of the
Corporation of the Pilots of Quebec hereby constituted,
and acquire any moveable or immovable property what-
soever necessary for the purposes of this Act.

II. And be it enacted, That the Superintendence, Board of
Directors to
administer
affairs of
Corporation.
20 control and management of the affairs of the Corporation
of Pilots shall be vested in *six* Directors, to be called
"the Board of Directors." *Three* of the said Directors
shall form a *quorum*. They shall be licensed Pilots, and,
except for the first election, in regard to which special
25 provision is made in the fourth section, shall be elected
for *six* years by the Pilots, at a general meeting of the
said Pilots, to be held *three* times a year, after having
been called by the President of the Directors by a
notice inserted during at least one month, in the English
30 and French languages, in *two* newspapers published in
the City of Quebec; but the first meeting of Pilots for
the election of officers of the Corporation, after the pass-
ing of this Act, shall be called by the Senior Super-
intendent of Pilots at Quebec, or in his absence, by the
35 other Superintendent, by similar notices in the English
and French languages, inserted during one month in the
newspapers of the City of Quebec, and shall be presided
over by either of them, or in their absence by the senior
Pilot present; the said first election, which shall take
40 place on the fifteenth of November of the present year,
as well as all elections which shall take place hereafter,
shall be by ballot; the subsequent elections shall take

place on the same day in every third year, unless such day be a Sunday or an obligatory holiday, in which case the election shall take place on the first working day after the fifteenth of November, and the President of the meeting shall declare to be duly elected, such of the Pilots present at or absent from the said meeting, as shall have the greatest number of votes. 5

Case of equality of votes.

III. And be it enacted, That if at any such election several Pilots shall have the same number of votes in their favor, so as to give more than *six* Directors, the election shall be commenced over again for the whole, if they all have the same number of votes, or for the lowest who shall have the same number of votes, until the number of *six* Directors be completed. 10

Term of office.

IV. And be it enacted, That after the expiration of the three years following the first election, *three* of the *six* Directors, to be decided by lot, shall go out of office, but they shall be capable of being re-elected, and the remaining *three* shall in the same manner go out of office after the expiration of the three following years,—and they also shall be capable of being re-elected. 15 20

Directors remain in office until successors appointed.

V. And be it enacted, That the Directors shall remain in office so long as they shall not be replaced by their successors duly elected.

Elections of Directors to be approved by Governor.

VI. And be it enacted, That the elections of Directors shall be subject to the approval of the Governor, and in the event of his not approving any such election, the Superintendent of Pilots, or the President of the Directors, as the case may be, shall proceed to hold another election, previous notice thereof however, having been given in two newspapers published at Quebec, in the manner above provided. 25 30

Election of President.

VII. And be it enacted, That at the first meeting of the Board of Directors, to be held next after each election of Directors, they shall choose from among themselves a President, who shall have a casting vote only, on all questions submitted to the Board; and the said questions shall be decided by the majority of votes. The President shall be elected for *three years*, but he may be re-elected if he be not one of the Directors going out by lot, or if he be again elected a Director. 35 40

Vacancies how filled.

VIII. And be it enacted, That in case of the natural death, or incapacity of a Director, from mental incapacity or civil death, the other Directors shall themselves fill up his place by the appointment of another licensed Pilot, who shall only remain in office until the next election of Directors when the election of *three* Directors, and of a fourth, if the Director who shall be naturally or civilly 45

dead or labouring under mental incapacity would not have gone out of office at that election, shall be proceeded with according to law; and the last mentioned Director shall only be elected for three years.

5 IX. And be it enacted, That if it should happen that one of the Directors should be so replaced by the choice of the Board of Directors within the three years next after the first triennial election under this Act, the person so replacing him shall not draw lots with the other
10 Directors, and two only of the Directors elected at the first general meeting of the Pilots, shall go out of office at the same time as the Director who shall not have been elected, at the expiration of the three years next after the said first election.

Director appointed to fill a vacancy, to go out of office at the next election.

15 X. And be it enacted, That if for any cause whatsoever any election of Directors shall not take place at the time appointed by this Act, the same may take place on any other day, due notice to that effect being given as aforesaid.

Failure to elect provided for.

20 XI. And be it enacted, That there shall be a Secretary-Treasurer to the Pilots of Quebec, who shall be appointed by the Board of Directors, and on entering into office shall give security to the amount of *pounds,* currency.

Secretary-Treasurer.

25 XII. And be it enacted, That the said Secretary-Treasurer shall make a regular entry into a book of the proceedings of the Board of Directors, and the said book shall be authentic evidence before all judicial tribunals in this Province.

He shall keep a register;

30 XIII. And be it enacted, That the Secretary-Treasurer shall deposit all sums in his hands belonging to the Pilots of Quebec, at least twice a week, in one or several Chartered Banks in the City of Quebec.

and deposit moneys in a Bank.

35 XIV. And be it enacted, That the Secretary-Treasurer may, in case of sickness or unavoidable absence, appoint a Deputy, but he shall continue to be responsible as if he were present.

He may appoint a Deputy.

XV. And be it enacted, That the Board of Directors shall meet at least twice a week during the navigation
40 season for the management of all matters relating to the Corporation and its attributions.

Meetings of Board.

XVI. And be it enacted, That the Board of Directors shall have power to make regulations and give orders
45 respecting the following matters, and to impose penalties not exceeding *pounds* currency, for any contravention of the said rules or orders, namely:

The Board may make regulations for certain purposes.

1. For the internal management of the Board of Directors and the distribution of the moneys belonging to the Pilots of Quebec.

2. The conduct of Pilots when ashore during the navigation season. 5

3. The order of rotation in which each Pilot shall pilot or conduct vessels in the Port of Quebec.

4. The conduct of Pilots when on board the vessels belonging to the Corporation.

5. The conduct of the Masters and other officers of 10 the vessels belonging to the Corporation.

Regulations to be sanctioned by Governor.

XVII. And be it enacted, That the regulations of the Board of Directors shall be subject to the sanction of the Governor, and shall have no effect until they shall have been published twice a week in English in a Quebec 15 newspaper published in English, and twice a week during two weeks, in French, in a Quebec newspaper published in French; and unless they shall have been submitted for the sanction of the Governor at least fifteen 20 days after publication.

Regulations to be published after having been approved.

XVIII. And be it enacted, That the regulations, sanctioned by the Governor and certified by the Clerk of the Executive Council, shall only have force and effect after having been inserted twice a week during two weeks in English and French, in the Quebec newspapers published 25 in the said languages; and the said regulations, signed by the Clerk and sealed with the seal of the Corporation, shall be authentic evidence in all Courts of Justice in this Province.

Pilotage moneys to form a fund for equal distribution.

XIX. And be it enacted, That the amount of all pilot- 30 age and other moneys received by Pilots for their services as such, as well as for salvage, shall be deposited in the hands of the Secretary-Treasurer of the Corporation, and equally divided among all the pilots, after deducting the expenses of the Board of Directors, rent and purchase of 35 vessels for the service of the Corporation, the maintenance thereof, and the victualling of their crews as well as of the Pilots when on board of the vessels of the Corporation, and other contingent expenses.

Accounts to be rendered annually.

XX. And be it enacted, That an annual statement of 40 the receipts and expenditure of the Corporation shall be laid before the Pilots.

Pilotage money forfeited by misconduct of a Pilot, to be deducted from his share.

XXI. And be it enacted, That if any Pilot shall lose the price or any part of the price of his pilotage or other services in his quality of Pilot, by accident or any other 45 cause provided by 12th Victoria, chapter 114, or by any other law, an amount equal to the said pilotage or services

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as above mentioned shall be deducted from the portion which would have fallen to his share by virtue of the preceding section.

XXII. And be it enacted, That if any Pilot shall be condemned to pay any fine by the Board of Directors, the amount of the said fine, together with the costs, shall be by them deducted from his said share.

And also any fine inflicted by the Board of Directors.

XXIII. And be it enacted, That all moneys for pilotage and other services rendered by the pilots, including salvage, shall belong to the Corporation of the Pilots of Quebec, and the Board of Directors may sue for the recovery thereof, in the name of the Corporation, either before the Trinity House of Quebec or any other tribunal to which any individual pilot might have had recourse for the same object, before the passing of this Act.

Corporation may recover pilotage money.

XXIV. And be it enacted, That all services rendered by pilots in their capacity as such, pilotages and other services, shall be paid for directly to the Secretary Treasurer of the Pilots, and the masters or owners of vessels under the charge of the said pilots, shall deposit, before the departure of such vessels from the harbour of Quebec, the amount of pilotage on the downward voyage, in the hands of the Secretary Treasurer of the Corporation, who shall retain the said sums until the pilotages have been performed, and then pay them over to the funds of the Corporation, if the said pilots shall not have forfeited their pilotage money, or any part thereof, for any cause whatsoever by law provided; in the latter case the said sums shall be returned to the parties who shall have deposited the same.

Pilotage moneys to be paid to Secretary-Treasurer.

XXV. And be it enacted, That the Board of Directors may constantly retain in the hands of the Secretary Treasurer, during the navigation season, one-third of the sums received by him, until the accounts of the Corporation shall have been definitively audited, (such audit to take place between the twenty-fifth of November and fifteenth of December, inclusively,) so as always to have before them a sufficient amount to meet all the expenses of the Corporation, and guard it against any losses which it might incur through any pilot losing his pilotage money or fined by the Trinity House, or by the Board of Directors themselves.

Board may retain a certain sum until close of navigation.

XXVI. And be it enacted, That if the moneys belonging to any pilot be at any time seized in the hands of the Secretary Treasurer of the Corporation, the amount so seized shall be deducted from the share of such pilot, but shall be returned to him if the judgment be rendered in his favor on the said seizure.

Moneys seized in hands of Secretary-Treasurer

Members of Board shall continue to be Pilots.

XXVII. And be it enacted, That the members of the Board of Directors shall continue to be Pilots so long as they shall remain in office, and shall not be liable to be fined nor to forfeit their license according to the provisions of the Act 12 Victoria, Chapter 114, relative to pilots who shall cease to pilot during a certain period, but they may pilot on going out of office, and they shall then be subject to the provisions of the said Act. 5

And be entitled to a pension like any other Pilot.

XXVIII. And be it enacted, That if any member of the Board of Directors shall become incapable of piloting or of discharging his duties as a Director for any cause whatsoever during his term of office, he shall receive as an ordinary pilot a pension out of the Pilot Fund, and if he shall die within the said period, his widow and children shall be entitled to a pension from the same fund, in the same manner as the widows and children of other pilots. 10 15

They shall each have a Pilot's share.

XXIX. And be it enacted, That each Director shall be entitled to a Pilot's share, as provided by the nineteenth section of this Act, out of the net revenue of the Corporation. 20

Pilots suspended, &c. shall cease to belong to Corporation.

XXX. And be it enacted, That any pilot who shall be suspended or deprived of his license, shall cease from the moment of such suspension to form part of the Corporation of the Pilots of Quebec, and to share in the advantages and moneys thereof, and shall only be entitled to the portion coming to him at the period of his suspension or forfeiture of license. 25

They shall become members on being re-instated.

XXXI. And be it enacted, that at the expiration of the period for which any pilot shall have been suspended, and on his being re-instated, he shall again form part of the said Corporation, and share from thenceforth in all the advantages and profits thereof. 30

Absent and sick Pilots.

XXXII. And be it enacted, That if any pilot shall be absent or laboring under illness, he shall lose so much of his share as shall be equal to the amount for pilotage or part of a pilotage, or services which he might have earned if he had performed his duties as a pilot, but if such illness or absence shall not have prevented him from taking his turn in rotation or from performing any duties assigned to him by the Board of Directors, no such deduction shall take place. 35 40

Board may construct or hire vessels,

XXXIII. And be it enacted, That the Board of Directors shall hire, purchase or cause to be built, not less than four vessels for the use of pilots and the service of vessels to be piloted. 45

and borrow money for that purpose.

XXXIV. And be it enacted, That the Board of Directors may borrow, for the purpose of purchasing or

building vessels for the Corporation, a sum not exceeding five thousand pounds currency, and the said sum, together with the interest thereon, shall be repaid out of the funds of the Pilots of Quebec in preference to any other debt of the Corporation.

XXXV. And be it enacted, That the Board of Directors shall be a Judicial Tribunal for the trial of all misdemeanors relating to the Corporation of the Pilots of Quebec, in all cases specified in this Act, and in accordance with the regulations of the Board of Directors.

Board to be a judicial tribunal for certain purposes.

XXXVI. And be it enacted, That the Board of Directors shall have power to regulate the manner in which prosecutions shall be brought and tried before them, adopting as much as possible the mode of proceeding provided for the Trinity House of Quebec by the Act 12th Victoria, chapter 114, intituled, "An Act to consolidate the laws relative to the powers and duties of the Trinity House of Quebec and for other purposes;" and any writ, summons, subpoena or other document issued by the Board of Directors may be served on the proper parties by a bailiff of any of Her Majesty's Courts in this Province.

They may regulate prosecution brought before them.

XXXVII. And be it enacted, That the Board of Directors may, without any other formality, deduct the amount of any fine imposed by them upon any Pilot, from his share of the funds of the Corporation, and add the amount of such fine in equal proportions to the shares of the other Pilots.

Board may deduct fines from Pilot's share.

XXXVIII. And be it enacted, That if any Pilot shall pilot a vessel to any part of the Port or Harbor of Quebec without the knowledge of the Board of Directors, and shall clandestinely receive payment therefor, he shall forfeit, for the first offence, double the amount he shall have received for such pilotage, and treble the said amount for any subsequent offence.

Penalty for pilotage clandestinely

XXXIX. And be it enacted, That the Board of Directors shall have the same powers as all other Judicial Tribunals for the preservation of good order during their sittings, the summoning before them and swearing of such witnesses as they shall deem necessary, and coming judicially within their jurisdiction, and for the imprisonment, during a period not exceeding one month, of any person refusing to appear.

Board to have judicial powers for preservation of order, &c.

XL. And be it enacted, That if any person shall knowingly take a false oath in any case in which this Act authorises or requires the taking of any oath, he shall be subject to the pains and penalties by law provided against perjury.

False swearing, perjury.

Directors to
be sworn.

XLI. And be it enacted, That the Directors, before entering upon the duties of their office, shall take an oath before one of the Judges of the Superior Court of Lower Canada, sitting in and for the District of Quebec, or one of the Prothonotaries of the said Court, well and faithfully to perform their said duties. 5

Public Act.

XLII. And be it enacted, That this Act shall be a public Act.